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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,247	01/18/2002	Russell W. Teubner	TEU100/001107A	7966
24118	7590	02/09/2005	EXAMINER	
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119			COURTENAY III, ST JOHN	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,247

Applicant(s)

TEUBNER, RUSSELL W.

Examiner

St. John Courtenay III

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5 and 9-14 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 15 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

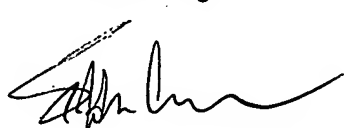
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


ST. JOHN COURTENAY III
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1-18-2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

1. Priority Claim Acknowledged:

Applicant's claim for priority under 35 U.S.C. § 119(e) with respect to provisional application 60/262,903, filed Jan. 19, 2001, is acknowledged.

2. Objection to the Claims:

Claims 6-8 are objected to under **37 CFR 1.75(c)** as being in improper form because a proper multiple dependent claim must refer back in the alternative only. Furthermore, claims 6-8 improperly refer to claim 11, which is not a preceding claim. See **MPEP § 608.01(n)** and 35 U.S.C. § 112, 4th paragraph.

Public Law 94-131, the implementing legislation for the Patent Cooperation Treaty, amended **35 U.S.C. 112** to state that "a claim in dependent form shall contain a reference to a claim *previously set forth*." The requirement to refer to a previous claim had existed only in **37 CFR 1.75(c)** before.

Appropriate correction is required.

3. 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2 & 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Abileah et al.** (U.S. Patent Application Publication US 2002/0038336).

As per independent claim 1:

Abileah teaches a system to facilitate the invocation of a CICS transaction within a server central processing unit via a client central processing unit communicated request, converting the invoked transaction's output to an XML document and the communicating of the XML document to the client central processing unit comprising:

- at least one server central processing unit executing CICS under the dispatching control of the server's operating system [see CICS 390 server 119 and associated discussion §0059, see also Fig. 1; see also §0037];
- at least one client central processing unit [see Windows 2000 client 129 and associated discussion §0059, see also Fig. 1]; and
- software executing within the server central processing unit which adapts the server to respond to a request communicated from the client central processing unit by invoking the execution of a CICS transaction (§§0055, 0060) within the server, converting the executed transaction's output to an XML document and communicating the XML document to the client central processing unit [Abileah teaches a method of interconnecting old and new software systems and applications (§0007); Abileah's invention is a method of processing a transaction on or between an end user application (i.e., a client) and one or more application

servers (§0020). Abileah teaches the use of a "data transformer" that converts the response returned from the server to the client into XML as follows (see §§ 22, 23, 55, 56):

[0022] The end user application and the application server have at least one data transformer between them. In this way, the steps of (i) converting the request from the first language of the first end user application as a source language to the language running on an application server as a target language, and (ii) converting the response from the language running on the application server, as a subsequent source language, back to the first language of the first end user application, as a subsequent target language, each comprise the steps of invoking type descriptor and language metamodels of respective source and target languages, populating the metamodels with each of the respective source and target languages' data items and types, and converting the source language to the target language.

[0023] The end user application is, frequently, a web browser or a thin client. When the end user application is a Web browser, the end user is connected to the application server through a web server. According to a further embodiment of the invention, the web server may comprise the connector, or data transformer. The data transformer integrated with the Web server may directly convert the request, transaction, or message from a browser oriented form to an application server language or to an intermediate, business or commerce oriented markup language, such as XML.

[0055] "CICS" (Customer Information Control System) is the online transaction processing program from IBM that, together with the Common Business Oriented Language programming language, is a set of tools for building customer transaction applications in the world of large enterprise mainframe computing. Using the programming interface provided by CICS to write to customer and other records (orders, inventory figures, customer data, and so forth) in a CICS, a programmer can write programs that communicate with online users and read from a database (usually referred to as "data sets") using CICS facilities rather than IBM's access methods directly. CICS ensures that transactions are completed and, if not, it can undo partly completed transactions so that the integrity of data records is maintained. CICS products are provided for OS/390, UNIX, and Intel PC operating systems. CICS also allows end users to use IBM's Transaction Server to handle e-business transactions from Internet users and forward these to a mainframe server that accesses an existing CICS order and inventory database.

[0056] "IMS" (Information Management System) is the system from IBM that, together with IBM's Enterprise Systems Architecture (IMS/ESA) provides a transaction manager and a hierarchical database server.

As per dependent claim 2:

Abileah teaches the use of at least one intermediary central processing unit which first receives the transmitted request prior to communicating the request to the server central processing unit [see §0028, i.e., "A further aspect of the invention is a client-server processing system having a client, a server, and at least one transformer between the client and one or more servers"].

As per independent claim 15:

This claim is rejected for the same reasons detailed above in the rejection of independent claim 1, and also for the following additional reasons:

Abileah teaches an apparatus for facilitating the invocation of a CICS transaction within a server central processing unit via a client communicated central processing unit request, converting the invoked transaction's output to an XML document and transmitting the XML document to the client central processing unit comprising:

- a general purpose computer [see CICS 390 server 119 and associated discussion §0059, see also Fig. 1; see also §0037; see also Windows 2000 client 129 and associated discussion §0059, see also Fig. 1];
- a memory that stores a program which XML-enables CICS transactions [see CICS discussion §0055 and CICS 390 server 119, §§0059 & 0087, see data transformer discussion §§0022 & 0023, the memory is inherent in the computer

system that effects the data conversion or transformation];
and,

- a central processing unit that, when executing the program, adapts the general purpose computer to facilitate the invocation of a CICS transaction within the central processing unit based upon a client communicated central processing unit request, converts the invoked transaction's output to an XML document and transmits the XML document to a client central processing unit [Abileah teaches a method of interconnecting old and new software systems and applications (§0007); Abileah's invention is a method of processing a transaction on or between an end user application (i.e., a client) and one or more application servers (§0020). Abileah teaches the use of a "data transformer" that converts the response returned from the server to the client into XML as follows (see §§ 22, 23, 55, 56 shown above under the rejection of claim 1).

5. Indication of Allowable Subject Matter:

Claims 3-14 appear to be allowable over the prior art of record, subject to the results of a final search, and subject to the objections to dependent claims 6-8 detailed above.

Dependent claim 16 appears to be allowable over the prior art of record if rewritten to include all of the limitations of the base claim and any intervening claims, subject to the results of a final search. Claim 16 stands objected to as being dependent upon a rejected base claim.

Claim 3 (independent) and claim 16 (dependent) appear to be allowable over the prior art of record for at least the following reasons:

The prior art of record does not teach nor fairly suggest the steps of:

- identifying the request as an initial or subsequent request by determining the presence or non-presence of a token communicated with the request, and,
- awaiting and identifying response to the transaction initiation or the data provision from a group of possible responses including the transaction issued an output command, the transaction issued an input command, the transaction ended, or the transaction ended abnormally and continuing process execution based upon results of the identification, as claimed.

6. Prior Art not relied upon:

Please refer to the references listed on the attached PTO-892 which are not relied upon in the claim rejections detailed above.

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How to Contact the Examiner:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to St. John Courtenay III, whose telephone number is 571-272-3761. A voice mail service is also available at this number. The Examiner can normally be reached on Monday - Friday, 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-AI who can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

All responses sent by U.S. Mail should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Patent Customers advised to FAX communications to the USPTO

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/faxnotice.pdf>

Effective Oct. 15, 2003, ALL patent application correspondence transmitted by FAX must be directed to the new PTO central FAX number:

NEW PTO CENTRAL FAX NUMBER:


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703-872-9306

- Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: (703) 305-3900.**

The Manual of Patent Examining Procedure (MPEP) is available online at:
<http://www.uspto.gov/web/offices/pac/mpep/index.html>



ST. JOHN COURTENAY III
PRIMARY EXAMINER